IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Writ Petition No.4230 of 2006

Shri Babu Krishna Dalvi — Petitioner
Vs.
Shri Sampat @ Dilip Yashwant Kable
and ors. — Respondents

Mr.R.V.More for petitioner.

CORAM: B.H.MARLAPALLE,J.

July 26, 2006.

P.C.

. Heard Mr.More, the learned counsel for the petitioner. Mutation Entry No.6537 effected on 29/5/1985 and certified subsequently on 3/6/1985 came to be challenged by the present respondents who are the LRs of Yashwant Bhagoji Kamble and the said appeal i.e. RTS Appeal No.229 of 1997 was allowed by the S.D.O. The SDO vide his order dated 8/6/1998 directed that the suit property must be recorded in the name of the present petition as well as Shri Yashwant Bhagoji Kamble. The petitioner, therefore, filed second appeal before the Collector at Sangli under Section 247 of the MLR Code, 1966 and the said appeal was dismissed by the Addl. Collector. The petitioner, thereafter approached the Divisional Commissioner by filing a revision application under Section 247 of the MLR Code, 1966 and the revision

application also failed as per the judgment and order dated 28/2/2006. Hence this petition.

. All the authorities below i.e. the SDO, the Addl. Collector and the Addl. Commissioner have noted that Civil Appeal No.233 of 1974 was allowed by the learned District Judge at Sangli on 29/12/1975 and the ownership of the present petitioner and late Yashwant was confirmed by way of adverse possession over the suit property. Since Mutation Entry No.627 included the name of Babu Krishna Dalvi only, the Tahsildar at Shirala was right in correcting the same by his order dated 24/3/1999. The decree passed by the learned District Judge is placed on record and it is clear from the same that the ownership of the petitioner and late Yashwant Kamble was accepted over the suit land by way of adverse possession and the original plaintiff had lost his title. The learned counsel for the petitioner referred to the gift deed made in favour of the defendant no.2. However, that itself cannot be read in isolation and the mutation entry was to be corrected in terms of the joint ownership of the petitioner and late Yashwant Kamble as confirmed by the learned District Judge.

. Hence the concurrent findings recorded do not suffer from any errors apparent on the face of record and, therefore, this petition fails and the same is hereby rejected summarily.

(B.H.MARLAPALLE,J.)